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October 29, 2010

VIA OVERNIGHT MAIL

Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street, Room 650
New York, New York 10007

Re: *Merck KGaA and Merck Eprova AG v. ProThera, Inc.*
Case No. 08-CV-00035

SO ORDERED:

Date: 11/1/10

Richard M. Berman

Richard M. Berman, U.S.D.J.

Dear Judge Berman:

We represent Merck & Cie (formerly Merck Eprova AG) and Merck KGaA, Plaintiffs in the above action. Your Honor has scheduled a conference for November 9, 2010 to discuss status and settlement. The Court has directed that principals attend this conference.

Plaintiffs are located in Switzerland and Germany. Because of prior business commitments, Plaintiffs are unable to have an appropriate representative with settlement authority available on that date, even by telephone.

The parties have conferred and agree that an adjournment would be desirable. This is the parties' first request for an adjournment of this conference. Both parties and their respective counsel are available in person on November 15, 17, 18, 19, 22 or 23. We ask that the conference be rescheduled to one of those dates, if convenient for the Court.

Respectfully submitted,

Robert E. Hanlon

Robert E. Hanlon

cc: Counsel of Record

USDC SDNY
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